IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 4917 of 2006
Date of decision August 31, 2006

M/s A.K. Sharma and Associates

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL AND
HON'BLE MR. JUSTICE H.S.BHALLA,

Present:- Sh. Pawan Girdhar, Advocate
for the petitioner.

Sh. S.S. Brar, Additional Advocate
General, Punjab.

Sh. Sanjeev Bansal, Advocate
for respondent No.2 to 4.

****

The petitioner has challenged the eviction order dated March 17, 2006, Annexure P-7 on the ground that it is patently illegal and is in contravention of the terms and conditions of the lease agreement-cum-licence granted by the Managing Director, Punjab Tourism Development Corporation Limited-respondent No.2.

Sh. Sanjeev Bansal, learned counsel appearing on behalf of respondent No.2 to 4 has raised a preliminary objection. It has been argued that there is an arbitration clause contained in clause 15 of the agreement between the parties and since the petitioner has not availed of the aforesaid remedy, the present petition is not maintainable. From the perusal of the record, it is clear that the objection raised by learned counsel

for the petitioner is justified. Clause 15 of the agreement reads as under:-

> *"In the event of any dispute arising between you and PTDC, the same shall be referred to the Arbitrator. The Secretary Tourism, Govt. of Punjab or his nominee so appointed by him will be the sole Arbitrator and the decision of the sole Arbitrator shall be binding upon both the parties. The Arbitration proceedings shall be held in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and the Arbitration award shall be final and binding upon both the parties."*

In view of the aforesaid fact, we relegate the petitioner to seek his remedy before the Civil Court in terms of clause 15 of the agreement, if so advised.

Disposed of accordingly.

A copy of the order be given dasti on payment of usual charges.

(VINEY MITTAL)
JUDGE

(H.S. BHALLA)
JUDGE

August 31, 2006
archana